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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,818	12/12/2000	Sunil Contractor	BELL-0061/00230	2086

23377 7590 11/21/2003

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EXAMINER

CHOW, MING

ART UNIT PAPER NUMBER

2645

DATE MAILED: 11/21/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

45

Office Action Summary

Application No.

09/734,818

Applicant(s)

CONTRACTOR, SUNIL

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 36-39 recite the limitation "the billed party". There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 13, 17, 30 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. The phrase “to prompt for permission to leave a message” on line 17 is not disclosed by the specification. The specification, on line 22 page 11, disclosed “prompted for permission to send the message”. It is obvious to one skilled in the art that “leaving a message” and “sending a message” are two different limitations. There are many messaging systems require a calling party to take two separate actions for leaving a message and sending the message.

3. Claims 1, 13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “deliver said message to said called party responsive to a request from said called party if one of said service node and said first service switching point receives permission to leave a message from said telephone with said calling line number” on lines 20-22 is not disclosed by the specification. The specification, on lines 14-23 page 14, disclosed a called party dialed the messaging system to play the message. The specification did not disclose “deliver said message on the condition if one of said service node and said first service switching point receives permission to leave a message from said telephone with said calling line number”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 17, 19, 20, 28, 29, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al, and in view of Bash et al (US: 5463677).

For claims 1 and 17, Rubin et al failed to teach “a calling party.....associated with a first service switching point”. However, “Official Notice” is taken that it is old and well known to one skilled in the art the calling party and the called party are on two different service switching points. Therefore, the SSP associated with the calling party is the claimed “first service switching point”.

Regarding “a second service switching point connected to said telephone with said called line number, said second service switching point comprising a trigger responsive to a busy status on said called line number”, Rubin et al teach on item 26 Fig. 1 SSP (claimed “second service switching point”) and item 28 Fig. 1 destination party telephone number. Rubin et al also teach on Column 1 Line 47 the status of the telephone call is monitored to determine a busy or unanswered condition at the destination party telephone number. If the destination party telephone number is busy or unanswered, a message from the calling party can be recorded within the network database, which can be part of a service control point in the switched telephone network. It is inherent that the SSP must comprise a trigger (to the SCP and the calling party) for message recording in response to a busy status. Also, Rubin et al teach on column 5 line 18-22 if there is a busy condition the SSP launches (claimed “trigger”) a query to a network database.

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Rubin et al failed to teach “said called line number is not subscribed to any voice messaging system”. However, Bash et al teach on column 1 line 39-53 a called party (claimed “called line number”) who is not a subscriber of the voice messaging.

Regarding a signal transfer point adapted to communicate with said second service switching point, Rubin et al teach on item 69 Fig. 2 STP.

Regarding a service control point adapted to communicate with said signal transfer point, said service control point containing a database, Rubin et al teach on item 48 Fig. 2 SCP. Rubin et al also teach on item 82 Fig. 3 disk subsystem. The disk subsystem of Rubin is the claimed database.

Regarding a service node connected to said second service switching point through a first data link, and connected to said service control point through a second data link, Rubin et al teach on items 50 and 56 Fig. 2 SMS and NSCX. The combination of SMS, NSCX and disk subsystem together of Rubin et al is the claimed “service node”. Rubin et al also teach on Fig. 2. The connection between SMS and SSP (via SCP and STP) is the claimed “first data link”. The connection between SMS and SCP is the claimed “second data link”.

Regarding “said second service switching point.....said calling line number”, Rubin et al teach on column 5 line 18-22 SSP sends a query to the SCP. Rubin et al teach on column 5 line 23-26 the SCP launches a command to activate NSCX (claimed “service node”) for sending an announcement (claimed “prompt”).

Rubin et al failed to teach “permission to leave a message”. However, Bash et al teach on step 207 Fig. 2. The result of “YES” of step 207 Fig. 2 reads on the calling party gives a permission to leave a message.

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Regarding service node is adapted to receive said message from said calling party into a voice messaging system when said called line number has a busy status, store said message, and deliver said message to said called party responsive to a request from said called party if one of said service node and said first service switching point receives permission to leave a message from said telephone with said calling line number, Rubin et al teach on Column 1 Line 50 a message from the calling party can be recorded within the network database (the claimed voice messaging system), which can be part of a service control point. The service node must receive the message from calling party for transmitting to a voice messaging system. Rubin et al also teach on Column 5 Line 40 to receive a forwarded message a destination party may be required to enter a PIN or other identifier to obtain access to the stored message. The “receive a forwarded message” of Rubin reads on the claimed “deliver said message”. The “destination party” of Rubin et al is the claimed “called party”.

It would have been obvious to one skilled at the time the invention was made to modify Rubin et al to have the “first service switching point”, “said called line number is not subscribed to any voice messaging system”, “permission to leave a message” as taught by Bash et al such that the modified system of Rubin et al would be able to support the first service switching point, called line number is not subscribed to any voice messaging system, and permission to leave a message to the system users.

Regarding claims 5 and 19, Rubin et al teach on Column 1 Line 57 the recorded message can be forwarded to one or more telephone numbers at a later time according to a specified date and time received from the calling party. The “date and time received from the calling

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party” of Rubin et al is the claimed “calling party has granted permission to send”. Rubin et al also teach on Column 5 Line 36 at the selected date and time, the message forwarding system in the switched telephone network forwards the message. It is inherent that the service node (part of the switched telephone network; item 20 of Fig. 2) must determine the time and date to forward the message.

Regarding claim 6, Rubin et al teach on Column 3 Line 45 the service switching point is operable to (i) recognize service requirements and requests. The “recognize service requirements and requests” of Rubin et al is the claimed “determine whether said calling party has granted permission”.

Regarding claim 7, Rubin et al teach on Column 4 Line 29 the service management system (the claimed service node) is a management and provisioning system that serves as an intelligent network service administration platform. Rubin et al also teach on Column 3 Line 20 processing ... comprises: ... (ii) processing collected information to determine if a message ought to be and can be recorded. The “information to determine” of Rubin is the claimed “predetermined input”. The “message ought to be and can be recorded” of Rubin reads on the claimed “said message is forthcoming”.

Regarding claims 8 and 20, Rubin et al teach on Column 5 Line 19 a query to a network database such as a service control point so as to obtain message recording instructions. The “message recording instruction” of Rubin et al is the claimed “prompt”.

Regarding claim 28, Rubin et al teach on Column 1 Line 44 a telephone call initiated by a calling party and being routed to a destination party telephone number The status of the telephone call is monitored to determine a busy or unanswered conditionIf the destination party telephone number is busy or unanswered, a message from the calling party can be recorded.

Regarding claim 29, Rubin et al teach on Column 5 Line 40 to receive a forwarded message a destination party may be required to enter a PIN. The “enter a PIN” of Rubin et al is the claimed “receiving said request”.

Regarding claim 36-39, Rubin et al failed to teach “the calling party is the billed party”. However, “Official Notice” is taken that it is old and well known to one skilled in the art that a calling party is billed (for using the telephone services by the telephone company). It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have the calling party is the billed party such that the modified system of Rubin and Bash would be able to support billing to the calling party to the system users.

5. Claims 2 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al and Bash et al as applied to claim 1 above, and in view of Walsh et al (US-PAT-NO: 5,797,124). Rubin et al and Bash et al failed to teach said request from said called party is a call from said called line number to said voice message system. However, Walsh et al teach on

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Column 3 Line 37 the subscriber calls in to retrieve messages. The “subscriber calls in” of Walsh reads “subscriber calls in from, including, called line number”. It is inherent that the call must be made to the claimed voice messaging system in order to retrieve the voice messages. It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have said request from said called party is a call from said called line number to said voice message system as taught by Walsh et al such that the modified system of Rubin and Bash would be able to support a call from said called line number to said voice messaging system to the system users.

6. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al and Bash et al as applied to claim 1 above, and in view of Garner et al (US-PAT-NO: 5,475,737). Rubin et al and Bash et al failed to teach a message waiting indication to said called party. However, Garner et al teach on Column 11 Line 63 the system will provide a message waiting indication. It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have a message waiting indication to said called party as taught by Garner et al such that the modified system of Rubin and Bash would be able to support a message waiting indication to the system users.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al and Bash et al as applied to claim 1 above, and in view of McConnell (US-PAT-NO: 6,418,306). Rubin and Bash failed to teach a third data link connected to said signal transfer point and adapted to communicate with a wireless telephone system. However, McConnell teaches on item

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22 (STP) and item 14 (BTS) Fig. 1. The BTS of McConnell is the claimed wireless telephone system. It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have a third data link connected to said signal transfer point and adapted to communicate with a wireless telephone system as taught by McConnell such that the modified system of Rubin and Bash would be able to support a third data link to communicate with a wireless telephone system to the system users.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al and Bash et al as applied to claim 1 above, and in view of Pelletier et al (US-PAT-NO: 6,411,704). Rubin and Bash failed to teach said service node comprises said voice messaging system. However, Pelletier et al teach on item 28 Fig. 4 “service node voice mail”. It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have service node comprises said voice messaging system as taught by Pelletier et al such that the modified system of Rubin and Bash would be able to support service node comprises said voice messaging system to the system users.

9. Claims 10-12 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al and Bash et al as applied to claim 1 above, and in view of Alger et al (US-PAT-NO: 5,396,542).

Regarding claims 10 and 22, Rubin et al and Bash et al failed to teach said service node is adapted to prompt said calling party with at least one message option. However, Alger et al teach on Column 2 Line 30 system may be implemented using a switching system together with a

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switch adjunct, e.g., a service node. Alger et al also teach on Column 4 Line 25 – Line 32. The caller is given a brief prompt with at least one message option. It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have said service node is adapted to prompt said calling party with at least one message option as taught by Alger et al such that the modified system of Rubin and Bash would be able to support the prompt with at least one message option to the system users.

Regarding claims 11 and 23, the modified system of Rubin et al and Bash et al in view of Alger et al as stated in claim 10 above failed to teach said prompt comprises audible voice notification. However, Alger et al also teach on Column 4 Line 25 – Line 32. The caller is given a brief prompt (the claimed audible voice notification). It would have been obvious to one skilled at the time the invention was made to modify Rubin, Bash and Alger to have said prompt comprises audible voice notification as taught by Alger et al such that the modified system of Rubin, Bash and Alger would be able to support the audible voice notification to the system users.

Regarding claim 12, the modified system of Rubin et al in view of Bash et al as stated in claim 1 above failed to teach said service node is adapted to receive at least one message option from said calling party via one of either telephone keypad entry and voice recognition. However, Alger et al teach on Column 8 Line 27 an automatic speech recognition system could monitor for certain key words. It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to have said service node is adapted to receive at least one message

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option from said calling party via one of either telephone keypad entry and voice recognition as taught by Alger et al such that the modified system of Rubin and Bash would be able to support the voice recognition to the system users.

Regarding claim 21, Rubin et al and Bash et al failed to teach said prompt comprises audible voice notification. However, Alger et al also teach on Column 4 Line 25 – Line 32. The caller is given a brief prompt (the claimed audible voice notification). It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash et al to have said prompt comprises audible voice notification as taught by Alger et al such that the modified system of Rubin and Bash et al would be able to support the audible voice notification to the system users.

Regarding claim 24, the modified system of Rubin et al in view of Bash et al and Alger et al as stated in claim 23 above failed to teach said service node is adapted to receive at least one message option from said calling party via one of either telephone keypad entry and voice recognition. However, Alger et al teach on Column 8 Line 27 an automatic speech recognition system could monitor for certain key words. It would have been obvious to one skilled at the time the invention was made to modify Rubin, Bash and Alger to have said service node is adapted to receive at least one message option from said calling party via one of either telephone keypad entry and voice recognition as taught by Alger et al such that the modified system of Rubin, Bash and Alger would be able to support the voice recognition to the system users.

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10. Claims 13, 15, 16, 30, 31, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell, and in view of Bash et al (US: 6463145).

For claim 13, 30, and 31, regarding a home location register adapted to communicate with a mobile switching center, McConnell teaches on item 26 Fig. 1 HLR. The HLR of McConnell is the claimed home location register.

Regarding said mobile switching center adapted to communicate with a plurality of cell sites, said mobile switching center comprising a trigger responsive to a busy status on said called line number. McConnell teaches on item 20 Fig. 1 MSC. The MSC is the claimed mobile switching center. McConnell also teaches on Column 5 Line 32 if an incoming call directed to the mobile phone is not answered or if the phone is busy the MSC queries the SCP or HLR and receives instructions to route the call to the wireless voicemail. The “queries” of McConnell is the claimed “trigger”. Regarding plurality of cell sites adapted to communicate with a plurality of wireless telephones, McConnell teaches on Column 1 Line 52 a plurality of landline and wireless phones.

Regarding a signal transfer point adapted to communicate with said mobile switching centers and said home location registers, McConnell teaches on item 22 Fig. 1 STP.

Regarding a service control point adapted to communicate with said signal transfer point, McConnell teaches on item 24 Fig. 1 SCP.

Regarding a service node adapted to communicate with said signal transfer point and to communicate with said mobile switching center, McConnell teaches on item 28 Fig. 1 Wireless VM. The wireless VM of McConnell is the claimed service node. It is inherent that the wireless messaging system must receive, store, and forward the message.

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Regarding “service node is adapted.....deliver said message to said called party”, “Official Notice” is taken that the “wireless VM taught by McConnell receives messages from the calling party when the called line number has a busy status, stores the messages, and deliver messages to the called party” is both old and well known in the art.

McConnell failed to teach “responsive to a request.....messaging system”. However, Bash et al teach on column 18 line 10-24 “the unified messaging system (including voice messages) even gives non-subscribers choices with its on-demand services associated with some of the communication options”. The “on-demand services” of Bash et al reads on the claimed “responsive to a request (from said called party)”.

It would have been obvious to one skilled at the time the invention was made to modify McConnell to have the “responsive to a request from said called party; and wherein said called party is not a customer of said voice messaging system” as taught by Bash et al such that the modified system of McConnell would be able to support the non-customer called party to the system users.

Regarding claims 15 and 35, McConnell teaches on Column 4 Line 1 invoke customized message waiting notification announcements.

Regarding claim 16, McConnell teaches on Fig. 1 the connection between STP and item 54 is the claimed data link.

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11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell and Bash et al as applied to claim 13 above, and in view of Walsh et al (US-PAT-NO: 5,797,124). McConnell and Bash et al failed to teach said request from said called party is a call from said called line number to said voice message system. However, Walsh et al teach on Column 3 Line 37 the subscriber calls in to retrieve messages. The “subscriber calls in” of Walsh reads “subscriber calls in from, including, called line number”. It is inherent that the call must be made to the claimed voice messaging system in order to retrieve the voice messages. It would have been obvious to one skilled at the time the invention was made to modify McConnell and Bash et al to have said request from said called party is a call from said called line number to said voice message system as taught by Walsh et al such that the modified system of McConnell and Bash et al would be able to support a call from said called line number to said voice messaging system to the system users.

12. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al and Bash et al as applied to claim 17 above, and in view of Troen-Krasnow et al (US-PAT-NO: 6,442,250).

Regarding claim 26, Rubin et al and Bash et al failed to teach determining if said calling party is a customer, and only if so, receiving said message from said calling party. However, Troen-Krasnow et al teach on Column 6 Line 5 group access unit may prohibit any subscriber from sending a message to a group that is not associated with the subscriber’s subscriber ID. The “prohibit any subscriber from sending a message” reads on “determining if said calling party is a

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customer, and only if so, receiving said message from said calling party". It would have been obvious to one skilled at the time the invention was made to modify Rubin and Bash to determine if said calling party is a customer, and only if so, receiving said message from said calling party as taught by Troen-Krasnow et al such that the modified system of Rubin and Bash would be able to support the determining if said calling party is a customer to the system users.

Regarding claim 27, the modified system of Rubin et al in view of Bash et al and Troen-Krasnow et al as stated in claim 26 above failed to teach determining if said calling party is a customer comprises comparing said calling party to a predetermined plurality of authorized calling parties. However, Troen-Krasnow et al teach on Column 6 Line 5 group access unit may prohibit any subscriber from sending a message to a group that is not associated with the subscriber's subscriber ID. The "prohibit any subscriber from sending a message to a group that is not associated with the subscriber's subscriber ID" reads on "comparing said calling party to a predetermined plurality of authorized calling parties". The group that is associated with the subscriber's subscriber ID is the claimed authorized calling parties. It would have been obvious to one skilled at the time the invention was made to modify Rubin, Bash and Troen-Krasnow to determine if said calling party is a customer comprises comparing said calling party to a predetermined plurality of authorized calling parties as taught by Troen-Krasnow et al such that the modified system of Rubin, Bash and Troen-Krasnow et al would be able to support the comparing said calling party to a predetermined plurality of authorized calling parties to the system users.

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13. Claim 32, is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell and Bash et al as applied to claim 30 above, and in view of Troen-Krasnow et al (US-PAT-NO: 6,442,250). McConnell et al and Bash et al failed to teach determining if said calling party is a customer, and only if so, receiving said message from said calling party. However, Troen-Krasnow et al teach on Column 6 Line 5 group access unit may prohibit any subscriber from sending a message to a group that is not associated with the subscriber's subscriber ID. The "prohibit any subscriber from sending a message" reads on "determining if said calling party is a customer, and only if so, receiving said message from said calling party". It would have been obvious to one skilled at the time the invention was made to modify McConnell and Bash et al to determine if said calling party is a customer, and only if so, receiving said message from said calling party as taught by Troen-Krasnow et al such that the modified system of McConnell and Bash et al would be able to support the determining if said calling party is a customer to the system users

14. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell and Bash et al as applied to claim 30 above, and in view of Rubin et al (US-PAT-NO: 5,778,052).

Regarding claim 33, McConnell and Bash et al failed to teach prompting said calling party for said message. However, Rubin et al teach on Column 5 Line 19 a query to a network database such as a service control point so as to obtain message recording instructions. The "message recording instruction" of Rubin et al is the claimed "prompting". It would have been obvious to one skilled at the time the invention was made to modify McConnell and Bash et al to

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have prompting said calling party for said message as taught by Rubin et al such that the modified system of McConnell and Bash et al would be able to support the prompting to the system users.

Regarding claim 34, McConnell and Bash et al failed to teach prior to receiving said message from said calling party, dialing said called line number and determining if a busy status is received, and if so, prompting said calling party for said message. However, Rubin et al teach on Column 1 Line 44 a telephone call initiated by a calling party and being routed to a destination party telephone number The status of the telephone call is monitored to determine a busy or unanswered conditionIf the destination party telephone number is busy or unanswered, a message from the calling party can be recorded. It would have been obvious to one skilled at the time the invention was made to modify McConnell and Bash et al to have prior to receiving said message from said calling party, dialing said called line number and determining if a busy status is received, and if so, prompting said calling party for said message as taught by Rubin et al such that the modified system of McConnell and Bash et al would be able to support the dialing said called line number and determining if a busy status is received prior to receiving said message to the system users.

Response to Arguments

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15. Applicant's arguments filed on 8/12/03 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 10, regarding the recited prior art (Rubin et al) inherently includes a trigger. A more detail explanation has been stated above in claim 1.
- ii) Applicant argues, on page 12, regarding recited prior art (Walsh) disclosed a subscriber that is in contrast to the claimed non-subscriber. However, the non-subscriber status of the called party has been rejected by the prior art (Bash et al) in claim 1. The claim 2 depends on claim 1, therefore, the subscriber as recited in rejection of claim 2 is a non-subscriber called party. The “subscriber” as taught by Walsh et al was mainly referred as a called party.
- iii) Applicant argues, on page 12, regarding claim 3. See response as stated in (ii) above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

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Patent Examiner

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Ming Chow

(w)

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written in a cursive style.